

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CLERK'S MINUTES

BEFORE DISTRICT JUDGE JAMES O. BROWNING

CASE No.: 11-1009 JB/KBM **DATE:** Jan. 15, 2013

CASE CAPTION: *Mocek v. City of Albuquerque, et al.*

CRD: K. Wild **COURT REPORTER:** N/A

COURT IN SESSION: Liberty Recorder (ABQ-Vermejo)-11:46:34 a.m.

COURT IN RECESS: Liberty Recorder (ABQ-Vermejo)-11:56:38 a.m. = :10

TYPE OF PROCEEDING: Initial Scheduling Conference - **NOT HELD**

COURT'S RULING/DISPOSITION: see below

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: N/A

ATTORNEYS PRESENT FOR PLAINTIFF(S): ATTORNEYS PRESENT FOR DEFENDANT(S):

Mary Lou Boelcke

Edward Martin, DOJ (for Ind. Federal
Defts. (Defts. Breedon, Romero &
Schreiner)) (appearing telephonically)

James Wheaton (appearing
telephonically)

Jeffrey Baker (for City ("Airport") Defts.
(City of ABQ, ABQ Aviation Police Dept.,
Katz, Dilley, Wiggins & De La Pena))

Lowell Chow (appearing telephonically)

PROCEEDINGS

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Court: Calls case. Counsel enter appearances.

Court: Have reviewed JSR/PDP. Understand there may be some issues to be taken

up before setting case deadlines/settings. Asks if there is anything counsel wish to tell Court about case that might impact on scheduling?

Ms. Boelcke: Considering appealing Court's decision against Federal Defendants - appears from a review of opinion that the federal claims against City Defendants are no longer viable.

Mr. Martin: Not yet prepared to state position on motion by Plaintiffs' under Fed.R.Civ.P. 54.

Mr. Baker: Partner has been working on qualified immunity motions - decided not to file motions until after receiving Court's decision on motion to dismiss as to Federal Defendants - partner is now reviewing the decision. Anticipate will be filing MSJ's under qualified immunity, which will stay discovery.

Court: If there is going to be a stay given the filing of qualified immunity motions is there any reason to start discovery at this point, or should Court set a deadline for filing of qualified immunity motions by City Defendants? Set deadline for DOJ to give Plaintiff position on appeal?

Ms. Boelcke: Do not believe need to start conducting discovery at this point.

Court: Suggests set deadline of 10 days out to file qualified immunity motions?

Mr. Baker: Want 2 weeks.

Court: Fine. Suggests same deadline for DOJ to provide position on rule 54 motion.

Mr. Martin: Fine.

Mr. Baker: Take no position on whether motion to dismiss should be appealed or not.

Court: Will set hearing as soon as see briefing is done on qualified immunity motion(s). Anything further?

Counsel indicate there is not.

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